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PART II.

JUDICIAL DEPARTMENT.

Dated 11th January 1908.

The following volumes of the Mysore Chief Court Reports are available for sale :—

Volume 1 to 10 at Rs. 5 per volume.

Volume 11 (1907) parts 1 and 2. Price Rs. 2-8-0.

Apply to the Curator, Government Central Book Depot, Bangalore.

CRIMINAL SIDE.

Rule of Practice No. 77, dated 7th December 1907.

Under Section 554 of the Code of Criminal Procedure and with the concurrence of Government, the Chief Court has framed and issues the following rules in supersession of the rules noted on the margin for regulating the practice of the Criminal Courts in regard to the disposal of records.

Rule of Practice No. 3, dated 28th May 1878
Do 13, dated 11th July 1879
Do 22, dated 3rd August 1880
Do 66, dated 6th December 1898

1. The records of the Sessions and Assistant Sessions Judges will be preserved in the Central Records attached to the District Court.

2. The Assistant Commissioners and Munsiffs who are Magistrates should send all the records of the Criminal cases disposed of by them to the District Magistrates' Courts six months after their disposal, where they will be kept and dealt with under these rules.

3. The Amildar Magistrates will keep the records of Criminal Cases disposed of by them in their own records.

4. An index of the form prescribed in A of the Appendix will be put up with the record of every case on its first institution in each Court, and each paper, as it is filed with the record, will be entered in such index.

5. Every record shall, after its completion and immediately before it is deposited in the record room, be divided into parts as shown in the table given in B of the Appendix, and to facilitate this division each paper will, soon as it is filed with the record, be numbered and marked in the index as appertaining to one or another of such parts.

6. The parts of records described in the table given in C of the Appendix will be retained for the periods respectively specified against them from the date of their completion, provided that in any case the presiding Judge or Magistrate may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed, in which case the fact will be noted in the index, and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.

7. The Court Registers, books and papers, described in the table given in D of the appendix, will be retained for the periods respectively specified against them, reckoning from their dates, or from the dates at which they close.

Provided that a Sessions Judge or a District Magistrate may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future as containing the results of inquiries or other information, or the opinions of experienced officers in matters connected with the general administration of Justice, and provided also that no Criminal Court subordinate to the Magistrate of the District shall cause any papers to be destroyed under the next succeeding rule without having first obtained from such Magistrate of the District, permission in writing to do so.

8. Where any document, of which the destruction is ordered by these rules is, before it has been destroyed, made evidence in any other proceeding, the rule regulating its destruction will be the rule applicable to evidence filed in such proceeding, where the period prescribed by such last mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

9. All records, books and papers, described in the tables given in C and D of the Appendix, must be destroyed without fail at the expiration of the periods respectively indicated against them, and the records should be examined once a quarter in every Court to see that the rule has been duly observed.

10. Records, books and papers to be destroyed under rule 5 are to be burnt in the presence of the record-keeper. The practice of selling them as waste paper is prohibited, except in the case of item 16 in Schedule D which should be sold by action.

11. To enable parties, who have filed documents in Court, to withdraw them before the periods appointed for their destruction, a notice will be published in the *Mysore Gazette* in July of each year, stating that all documents filed in the Magisterial cases (to be therein enumerated) will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice, and the following note will also be entered at the foot of every copy of an order granted to any of the parties to the proceeding in which such order was made, or to the pleaders or authorized agents of such parties :—

"The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after three years from this date."

12. The above rules do not apply to non-magisterial records of revenue officers, such as Gazette files, etc., but apply only to the Judicial records of those officers.

V. A. RAJARATNA MUDALIAR,
Registrar.

APPENDIX A.

FORM OF INDEX.

(*Rules* 1 *and* 2.)

(Application or Apeal or Calendar.)

No. of 19 on the file of the Court of in the District of

Serial number of the paper	Description of the paper and its date	Date when the paper was filed in the case	Number of the part of the record to which the paper appertains	Alphabetical or numerical mark of the exhibits filed	Remarks

APPENDIX B.

RECORDS AND COPIES.

Table showing the division of the record and the description of the papers falling under each division.—

(*Rule* 2).

Class of cases	Divisions of the record and description of the papers falling under each division
	PART I.
Trials (other than summary)	1. Index. 2. Judgment and sentence, if any, (original and appellate). 3. Petition of appeal or application for revision, or letter of referring Court, and judgment and order thereon. 4. Charges. 5. Documentary evidence.
Summary trials ...	All papers including Register.
Miscellaneous cases ...	1. Index. 2. Order, and grounds, if any (original and appellate). 3. Petition of appeal or application for revision or letter of referring Court and judgment and order thereon. 4. Documentary evidence.
	PART II.
Trials (other than summary)	1. Warrant of commitment to jail, if any. 2. Complaints to Magistrates when acted upon by the Magistrate. 3. Reports by the police under Sections 174 and 175 of the Criminal Procedure Code, Act X of 1882, when followed by action on the part of the Courts. 4. Oral evidence. 5. All papers not already specified.
Miscellaneous cases ...	1. Oral evidence. 2. All papers not already specified.

APPENDIX C.

Table showing the periods prescribed for the retention of the various parts of the records in the various classes of proceedings.

(*Rule* 3).

Nature of proceedings	Number of years for which records are to be retained	
	Part I	Part II
1. Sessions cases	* 20	3
2. Warrant cases	20	3
3. Summons cases	5	3
4. Summary trials	...	...

*In cases in which the sentence is one of transportation for life, the judgment must be preserved until a report is received of the convict's death or release.

Nature of proceedings	Number of years for which records are to be retained	
	Part I	Part II
(*a*) Forms kept under Section 263 of the Code of Criminal Procedure and judgments recorded under Section 264 in cases where either some of the accused or parties proceeded against have not been apprehended, or, the accused or any of them have been convicted of an offence, a repetition of which renders the offender liable to whipping or to enhanced punishment.	10	..
(*b*) All other records	3	...
*5. In miscellaneous proceedings—		
(*a*) Maintenance	20	3
(*b*) Nuisance	10	3
(*c*) Security to keep the peace or for good behaviour ...	10	3
(*d*) Other miscellaneous proceedings	3	3

*Where in an appeal or revision, an order or judgment of a subordinate Court is taken into consideration by a superior Court, the period for retention of proceedings in such appeal or revision shall be the same as for the records of the original tribunal.

APPENDIX D.

Table showing the periods prescribed for the retention of the various Court Registers books and papers.

(*Rule* 4).

No.	Description of Court Registers, books and papers	Number of years for which registers, etc., are to be retained
3	Repealed Acts or Regulations	Permanent
4	Cash Book and Ledger	10
7	Registers (other than of summary trials in the use of Criminal Courts)	5
10	Copyist's Registers and process server's registers	3
11	Other Registers	
	Account books other than Cash book and Ledger	
	Register of applications for return of documents	
	Receipt books for documents returned to parties	
	Stationery accounts	
	Postage accounts	
	Account of fines and forfeitures	3
	Contingent bills and registers	
	Register of movable and immovable property attached ...	
	Register of commissions issued	
12	Chellan and Cheque books	10
13	Magisterial registers of correspondence received and despatched ...	5
14	Other Court or office books and registers	3
15	*Mysore Gazette*	Permanent
16	Other Gazettes, if received	3
17	Official correspondence with the Chief Court and all orders including Administration Reports received from the Chief Court and Government other than those provided for above or hereafter	20
18	Other official correspondence relating to matters which have terminated ...	3
19	Yearly and half yearly statements	5
20	Monthly and quarterly statements including accounts of stamp duties and penalties	3
21	Application for leave and orders thereon, applications from candidates for employment and reports on applications not relating to proceedings in Court	1
22	Magisterial diaries, police arrest returns, police occurrence reports (other than those pertaining to part I, and police reports on unnatural and sudden deaths)	3
23	Register of petitions	12
24	Pay and acquittance rolls	20